REMARKS

This Amendment responds to the Office Action dated November 5, 2009 in which the Examiner rejected claims 1-20 under 35 U.S.C. § 112, second paragraph and under 35 U.S.C. § 103.

As indicated above, the claims have been amended in order to more particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Applicant respectfully points out that claim 16 does not claim a "transition determination step". Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 1-20 under 35 U.S.C. § 112, second paragraph.

As indicated above, claims 1, 6, 11 and 16 have been amended in order to make explicit what is implicit in the claims. The amendment is unrelated to a statutory requirement for patentability. The remaining claims have been amended to conform to the amendments made to the independent claims. The amendments are unrelated to a statutory requirement for patentability and do not narrow the literal scope of the claims.

Claim 1 claims a computer-readable conflict management program, claim 6 claims a computer readable storage medium, claim 11 claims a conflict management method and claim 16 claims an electronic portable terminal apparatus. The program, medium, method and apparatus receive a determination request including (a) a task execution request, (b) a termination notification and a state transition notification. Upon receiving the determination request, a task conflict is detected by referencing an active task list to determine whether the task that issued the execution request and the task waiting to be executed can be started. When a task conflict is detected, a state to which the task designated by the determination request has its state determined. Furthermore, the state of a task registered in the active list is determined according

to predetermined conditions set in a conflict condition table. The task designated by the determination request and the task in the active task list is then placed in the respective state.

By receiving a determination request including a task execution request, termination notification and state transition notification, as claimed in claims 1, 6, 11 and 16, the claimed invention has a program, medium, method and apparatus in which it is possible to design an application without having to consider the conflicting application. The prior art does not show, teach or suggest the invention as claimed in claims 1, 6, 11 and 16.

Claims 1-2, 6-7, 11-12 and 16-17 were rejected under 35 U.S.C. § 102 (b) as being anticipated by *Shitahaku* (U.S. Publication No. 2002/0037753 and further in view of *Shitahaku* (U.S. Publication No. 2003/0110202).

Shitahaku '753 appears to disclose upon receipt of a launch instruction from an application 1, the operation control section 22 updates the data in the operation state data storage section 24 [0038]. The operation control section 22 compares the priority of the application currently displayed at the front position of the screen with the priority of the application from which the launch instruction was received. If the priority of the application currently displayed on the screen is higher than that of the application from which the launch instruction was received, the application from which the launch instruction was received is not made active [0043]. If the priority of the current active application that the user sees is equal to or lower than that of the application from which the launch instruction was received, the operation control section 21 makes active the application from which the launch instruction was received [0044].

Thus, *Shitahaku* '753 merely discloses comparing priorities of an application currently displayed with the priority from an application from which a launch instruction was received. Nothing in *Shitahaku* '753 shows, teaches or suggests (a) receiving a determination request

including a task execution request, a termination notification and a state transition notification, (b) detecting a task conflict and (c) determining the states to which the task should switch as claimed in claims 1, 6, 11 and 16. Rather, *Shitahaku* '753 only discloses determining whether to launch an application based upon priority.

Shitahaku '202 appears to disclose when a task delivers an inquiry to a competition manager 40, the competition detection section 41 compares the current status data 44 against the first competition data 45 to detect whether or not competition arises after the inquiry task that delivered the inquiry starts operation [0028].

Thus, *Shitahaku* '202 merely discloses determining whether competition arises after a task starts to operate. Nothing in *Shitahaku* '202 shows, teaches or suggests receiving a determination request including a task execution request, a termination notification and a state transition notification as claimed in claims 1, 6, 11 and 16. Rather, *Shitahaku* '202 only discloses comparing current status data after receiving an inquiry from a task that starts to operate.

The combination of *Shitahaku* '753 and '202 would merely suggest to determine whether to launch an application based upon priority as taught by *Shitahaku* '753 and after launch, compare data to detect if competition arises as taught by *Shitahaku* '202. Thus nothing in the references show, teach or suggest receiving a determination request including a task execution request, termination notification and state transition notification as claimed in claims 1, 6, 11 and 16. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 1, 6, 11 and 16 under 35 U.S.C. § 103.

Claims 2, 7, 12 and 17 recited additional features. Applicant respectfully submits that claims 2, 7, 12 and 17 would not have been anticipated by *Shitahaku* '753 and *Shitahaku* '202 within the meaning of 35 U.S.C. § 103 at least for the reasons as set forth above. Therefore,

Applicant respectfully requests the Examiner withdraws the rejection to claims 2, 7, 12 and 17 under 35 U.S.C. § 102 (b).

Claims 3-5, 8-10, 13-15 and 18-20 were rejected under 35 U.S.C. § 103 as being unpatentable over *Shitahaku* '753 and *Shitahaku* '202 in view of *Parkin* (U.S. Patent No. 4,073,005).

Applicant respectfully traverses the Examiner's rejection of the claims under 35 U.S.C. § 103. The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicant respectfully requests the Examiner withdraws the rejection to the claims and allows the claims to issue.

As discussed above, since nothing in *Shitahaku* '753 and *Shitahaku* '202 shows, teaches or suggests the primary feature as claimed in claims 1, 6, 11 and 16, Applicant respectfully submits that the combination of the primary reference with the secondary reference to *Parkin* will not overcome the deficiencies of the primary reference. Furthermore, *Parkin* is directed to non-portable terminal devices. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 3-5, 8-10, 13-15 and 18-20 under 35 U.S.C. § 103.

Thus it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested. Should the Examiner find that the application is not now in condition for allowance, Applicant respectfully requests the Examiner enters this Amendment for purposes of appeal.

CONCLUSION

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicant respectfully petitions for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

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